BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application of)

EDWIN UNGOS PENULIAR

For a Motor Carrier Certificate or)

Permit.

Docket No. 2006-0337

DECISION AND ORDER NO. 23077

2006 NOV 28 A 8: 41

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DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
CONSUMER AFFAIRS
CONTAIT OF HAWAII

Filed November 27, 2006
At _____ o'clock _P _ .M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

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In the Matter of the Application of)

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For a Motor Carrier Certificate or)
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Docket No. 2006-0337
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DECISION AND ORDER

By this Decision and Order, the commission grants EDWIN UNGOS PENULIAR ("Applicant") a certificate of public convenience and necessity ("Certificate") to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 1-to-7 passenger classification, subject to certain conditions, as described herein.

I.

Application for Common Carrier Authority

On August 17, 2006, Applicant filed an application requesting a Certificate to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 1-to-7 passenger classification. The application is made pursuant to Hawaii Revised Statutes ("HRS") § 271-12.

Applicant served copies of the application on the Hawaii Transportation Association and the Hawaii State Certified Common Carriers Association, Inc., which consist of carriers that may be affected by Applicant's proposed service, and on the

Division of Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate"). The Consumer Advocate did not participate in this proceeding, and no persons moved to intervene in this docket.

II.

Findings and Conclusions

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to HRS chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for operating authority, as set forth in the application, should be granted.

III.

Orders

THE COMMISSION ORDERS:

- 1. Applicant is granted a Certificate to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 1-to-7 passenger classification.
- 2. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff, paying a

fee of \$20 for motor carrier gross revenues, and filing the appropriate insurance documents.

- Applicant shall comply with the foregoing requirements within one hundred and twenty (120) days after service of this Decision and Order. Failure to comply within the time specified constitutes cause for this commission to vacate this Decision and Order.
- Applicant shall not commence operations under this Decision and Order until he has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii _____ NOV 2 7 2006

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Carlito P. Caliboso, Ch

APPROVED AS TO FORM:

Commission Counsel

2006-0337.cp

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 23077</u> upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

EDWIN UNGOS PENULIAR 644 Olive Avenue Wahiawa, HI 96786

Morle K. Kawe

DATED: NOV 2 7 2006